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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/829,121

04/20/2004

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52431/DBP/A400

6478

23363 7590 03/09/2009
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EXAMINER

PARKER, BRANDI P

ART UNIT

PAPER NUMBER

3624

MAIL DATE

DELIVERY MODE

03/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/829,121	Applicant(s) SAKO, KAZUYA	
	Examiner BRANDI P. PARKER	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) 5-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/25/2008</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

1. The following is a Final Office action in response to communications filed on 12/2/2008. Claims 1-4 have been amended, claims 5-7 have been canceled and claims 8-10 are newly added.

Response to Arguments

2. Applicant's arguments with respect to claims 1-4 and 8-10 have been considered but are moot in view of the new ground(s) of rejection.

Examiner's Notes

3. The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US 6,363,323) in view of Klein (US 2004/0220768).

5. With respect to claim 1, Jones teaches a schedule management system, comprising:

a. a schedule management apparatus incorporated in a vehicle-mounted device, the schedule management apparatus transmitting to a management center a schedule to be managed, a present position of the schedule management apparatus, a time margin before the expected start time of the schedule (column/line 10/33-43), the schedule management apparatus further displaying an alarm received the alarm from said management center (column/line 3/7-13, regarding automated computer-based apparatus with a satellite receiver); (column/line 3/45-51, regarding the processor being configured to transmit an alarm message); and

b. the management center that stores the schedule received from said schedule management apparatus, calculates a required time period to move from said present position to a place included in said schedule in response to receiving said present position from said schedule management apparatus, calculates a time to start the alarm based on the expected start time included in said schedule, a present time and said required time period, wherein the time to start the alarm includes the time margin before the expected state time, and transmits the alarm to said schedule management apparatus through a transmitting/receiving section when the present time reaches said calculated alarm start time (column/line 10/33-43, regarding the predetermined proximity for notification message); (column/line 10/63-66, regarding the expected start time stored in memory compared to the actual vehicle schedule); (column/line 11/39-52, regarding comparing time values, vehicle route and arriving at a location).

Jones does not directly teach a time margin that can be set in an arbitrary manner. However, Klein teaches:

c. a time margin before an expected start time of the schedule, wherein the time margin is capable of being set in an arbitrary manner (paragraph 0026).

It would have been obvious to one of ordinary skill in the art to include the business system of Jones with the ability to arbitrarily set a time margin as taught by Klein since the claimed invention is merely a combination of old elements, and in the

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combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

6. Regarding claim 2-4, Jones teaches a management center, comprising:

d. a unit that performs transmission/reception to/from a schedule management apparatus (column/line 12/36-59, regarding base station manager that transmits/receives messages to delivery vehicles);

e. a memory that stores a schedule received from said schedule management apparatus through said transmitting/receiving unit (column/line 12/36-59, regarding base station manager that transmits/receives messages to delivery vehicles);

f. a unit that detects a present time (column/line 17/43-48, regarding vehicle clock 38);

g. a unit that calculates, from a place included in said schedule and a present position received from said schedule management apparatus, a required time period to move from said present position to said place (column/line 14/5-17, regarding the calculation of the alarm threshold value);

h. a unit that calculates a time to start an alarm based on an expected start time included in said schedule, said detected present time and said calculated

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required time period, wherein the time to start the alarm includes a time margin before the expected start time (column/line 13/31-60, regarding vehicle manager that compares vehicle schedule and time values), (column/line 10/33-43, regarding predetermined time to send notification); and

i. a unit that transmits an alarm to said schedule management apparatus through said transmitting/receiving unit when said detected present time reaches said calculated alarm start time (column/line 13/31-60, regarding vehicle manager that compares vehicle schedule and time values).

7. As to claim 8, Klein further teaches wherein the management center transmits the alarm to the schedule management apparatus earlier than the expected start time by an alarm time period that is a sum of the required time period and the time margin (paragraph 0026).

8. With respect to claim 9, Jones further teaches wherein the alarm is for prompting movement to the place included in said schedule for arrival on or before the expected start time (column/line 13/31-60, regarding vehicle manager that compares vehicle schedule and time values), (column/line 10/33-43, regarding predetermined time to send notification).

9. Regarding claim 10, Klein further teaches wherein the time margin is configured to be arbitrarily modified by a recipient of the alarm (paragraph 0026).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

11. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI P. PARKER whose telephone number is (571) 272-9796. The examiner can normally be reached on Mon-Thurs. 8-5pm.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley B. Bayat can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRANDI P PARKER/
Examiner, Art Unit 3624

/Bradley B Bayat/
Supervisory Patent Examiner, Art Unit 3624